



# **BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE**

## **AGENDA**

**Monday, September 08, 2008**

*Commissioner David Lillard, Chairman  
Commissioner Deidre Malone, Chairman Pro Tempore  
Commissioner Joyce Avery  
Commissioner Henri E. Brooks  
Commissioner Wyatt Bunker  
Commissioner Mike Carpenter  
Commissioner Sidney Chism*

*Commissioner George Flinn  
Commissioner Joe Ford  
Commissioner J.W. Gibson II  
Commissioner James Harvey  
Commissioner Steve Mulroy  
Commissioner Mike Ritz*

9/5/2008 11:19 AM

**1:30 PM**

**COMMISSION CONVENES**

**CALL TO ORDER**

**Chairman David Lillard**

**OPENING OF THE COMMISSION**

**Deputy Sheriff**

**INVOCATION**

**Dr. Benjamin L. Hooks  
Greater Middle Baptist Church**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

### **Approval of Minutes of Previous Session**

**August 11, 2008  
August 13, 2008  
August 27, 2008**

**SWEARING IN OF CHAIRMAN DEIDRE MALONE BY JUDGE LOYCE LAMBERT-  
RYAN, GENERAL SESSIONS CRIMINAL COURT DIVISION 15**

SWEARING IN OF CHAIRMAN PRO-TEMPORE JOYCE AVERY BY THE  
HONORABLE A C WHARTON, JR., MAYOR OF SHELBY COUNTY

PASSING OF THE GAVEL BY COUNTY COMMISSION TO CHAIRMAN MALONE

## ***C O N S E N T   A G E N D A***

### **Resolutions of Memorial, Sympathy and Commendation**

### **Ordinances**

### **Zoning and Subdivisions**

**RITZ**

Chairman, Land Use Committee

1. Resolution approving various subdivision items, plats, extensions, etc. as recommended by the County Engineer.
  - a) [Resolution to release the bond that secured the improvements to Brunswick Farms Subdivision Phase 3 \(S 96-045 CO\). Sponsored by Commissioner Mike Ritz.](#)
  - b) [Resolution to approve the agreement to secure the improvements to the Stonebriar P.D. Area 10, Phase 6-street improvements \(P.D. 03-335 CC\) and authorize recording of the plat. Sponsored by Commissioner Mike Ritz.](#)
  - c) [Resolution to approve the agreement to secure the improvements to the Stonebriar P.D. Area 10, Phase 7-street improvements \(P.D. 03-335 CC\) and authorize recording of the plat. Sponsored by Commissioner Mike Ritz.](#)

- d) Resolution to rescind resolution number 3D adopted November 26, 2007, which approved the agreement to secure the improvements and authorize the recording of the plat for Woodland Trails PD, Phase 4, part of Parcels A & C (P.D. 97-356 CC). Sponsored by Commissioner Mike Ritz.

**Reports and/or Resolutions for Standing Committees**

**MALONE**

Chairman, Budget and Finance Committee

2. Resolution Adopting an Advertising Policy for the Sale of Advertising for Revenue Generation Utilizing County Assets, Documents and Communication Links. Sponsored by Commissioner Carpenter. (AMENDED IN COMMITTEE 9/3/08)

**MALONE**

Chairman, Budget and Finance Committee

3. Resolution amending the FY2009 Operating Budget in the amount of \$147,995 to reflect a grant from the Tennessee Emergency Management Agency. This resolution is sponsored by Commissioner Malone. (AMENDED IN COMMITTEE 9/3/08)

**MALONE**

Chairman, Budget and Finance Committee

4. Resolution to approve a contract with Harris Computer Systems for the license to use their Government E-Management Solutions (GEMS) software. The contract is for the implementation of this software and a support and maintenance agreement. In addition, this resolution authorizes the purchase of the required computer hardware and appropriates funds from FY 2009, CIP Budget Account 909-101714-7024 in the amount of \$949,881 and authorizes the support and maintenance contract from the operating and maintenance budget account 010-201804-6780 in the amount of \$165,841. Sponsored by Commissioner Deidre Malone.

**MALONE**

Chairman, Budget and Finance  
Committee

5. Resolution approving a contract in the amount of \$181,890.00 with Pinnacle Mapping Technologies, Inc. for digital orthographic projections and this item requires expenditure of Register's Special Revenue Funds in the amount of \$181,890.00. Sponsored by Commissioner Malone.

**AVERY**

Vice-Chairman, Public Works  
Committee

6. A resolution approving an appropriation of funds in the amount of \$8,550.00 for acquisition of right-of-way for the replacement of the bridge and roadway approaches on Kerrville-Rosemark Road over Big Creek Drainage Canal and this item requires an expenditure of State Gas Tax Funds in the amount of \$8,550.00. Sponsored by Commissioner Wyatt Bunker.

**AVERY**

Vice-Chairman, Public Works  
Committee

7. Resolution Approving a Contract Renewal with MAC'S TIRE RECYCLERS, INC. for the collection, hauling and beneficial end use of waste tires in an amount not to exceed \$550,000.00, and this item requires an expenditure of Grant Funds in an amount not to exceed \$550,000.00. This Resolution Sponsored by Commissioner Wyatt Bunker.

**AVERY**

Vice-Chairman, Public Works  
Committee

8. Resolution amending the FY 2009 Operating Budget for a U. S. Environmental Protection Agency Grant in the amount of \$347,080.00 for a Phase II Brownfields Assessment of the CSX Rail Line. This item requires expenditures of grant funds in the amount of \$347,080.00. Sponsored by Commissioner Mike Carpenter.

**CHISM**

Chairman, Law Enforcement  
Committee

9. Resolution approving emergency purchase of a fire engine pumper for the Shelby County Fire Department, approving amendment of FY 2008-2009 budget, and approving expenditure of funds in the amount of \$281,030.00 to Ferrara Fire Apparatus Inc. for said purchase to be paid from funds in account 954. This Resolution is sponsored by Commissioner Sidney Chism.

**CHISM**

Chairman, Law Enforcement  
Committee

10. A resolution amending the FY09 Budget in the amount of \$151,348.00 to allow maximum expenditure of grant funds from a Tennessee Department of Transportation, Governor's Highway Safety Office, West Tennessee Child Passenger Safety Grant, previously approved by the Shelby County Board of Commissioners. This item requires expenditure of grant funds in the amount of \$151,348.00. Sponsored by Commissioner Sidney Chism.

**CHISM**

Chairman, Law Enforcement  
Committee

11. Resolution to authorize approval of a contract between the City of Memphis and the Shelby County District Attorney General's Office. The Shelby County District Attorney General's Office is requesting to accept and expend \$107,024.00 in the FY2009 Justice Assistance Grant Program from the City of Memphis, and to amend the FY2008-09 Shelby County Operating Budget and the Shelby County Position Control Budget. This item requires expenditure of Federal thru State Grant funds in the amount of \$107,024.00. Sponsored by Commissioner Sidney Chism.

**FLINN**

Chairman, Community Services  
Committee

12. A RESOLUTION to amend the grant contract with the Tennessee Department of Human Services for the Community Services Block Grant Program for the period of July 1, 2008 through June 30, 2009 increasing grant funds in the amount of \$130,375.00 and to amend the FY 2009 Operating Budget. This item requires expenditure of state grant funds in the amount of \$130,375.00. Sponsored by Commissioner George Flinn.

**FLINN**

Chairman, Community Services  
Committee

13. A RESOLUTION to amend the grant contract with the Tennessee Department of Human Services for the Low Income Home Energy Assistance Program for the period of July 1, 2008 through June 30, 2009 decreasing grant funds in the amount of \$327,191.00, and to amend the FY 2008-2009 Operating Budget. Sponsored by Commission George Flinn.

**FLINN**

Chairman, Community Services  
Committee

14. A RESOLUTION to amend the grant contract with the Tennessee Department of Human Services for the Weatherization Assistance Program, increasing grant funds in the amount of \$102,112.00 and to amend the FY 2008-2009 Operating Budget. This item requires expenditure of state grant funds in the amount of \$102,112.00. Sponsored by Commissioner George Flinn.

**FLINN**

Chairman, Community Services  
Committee

15. A RESOLUTION to accept a grant agreement with the Memphis Light, Gas and Water Division for the Energy Smart Memphis Program in the amount of \$495,000.00, and to amend the FY 2008-2009 Operating Budget. This item requires expenditure of grant funds in the amount of \$495,000.00. Sponsored by Commissioner George Flinn.

**FLINN**

Chairman, Community Services  
Committee

16. A RESOLUTION approving a contract in the amount of \$104,063 with Metropolitan Inter-Faith Association for the provision of Ombudsman services for residents of long-term care facilities, including complaint resolution. This item requires expenditure of federal grant funds in the amount of \$104,063. Sponsored by Commissioner Joyce Avery.

**FLINN**

Chairman, Community Services  
Committee

17. A RESOLUTION approving a contract in the amount of \$339,500 with Meritan, Inc. (formerly Senior Services) to provide homemaker, personal care and adult care/sitter services as authorized to eligible consumers in Shelby, Lauderdale, Fayette, and Tipton Counties. This item requires expenditure of state grant funds in the amount of \$191,000 and federal grant funds in the amount of \$148,500. Sponsored by Commissioner Joyce Avery.

**FLINN**

Chairman, Community Services  
Committee

18. A RESOLUTION approving a contract in the amount of \$2,021,870 with Metropolitan Inter-Faith Association for the provision of services for transportation, congregate meals, home-delivered meals, nutrition education and counseling and home modifications to eligible consumers in Shelby, Lauderdale, Fayette, and Tipton Counties. This item requires expenditure of state grant funds in the amount of \$142,100 and federal grant funds in the amount of \$1,879,770. Sponsored by Commissioner Joyce Avery.

**FLINN**

Chairman, Community Services  
Committee

19. A RESOLUTION to amend the FY 2008-2009 Operating Budget for a Special Direct Appropriation grant from the Tennessee Department of Human Services in the amount of \$10,000.00. This item requires the expenditure of grant funds in the amount of \$10,000.00. Sponsored by Commissioner George Flinn.

**GIBSON**

Chairman, Delinquent Tax  
Property Committee

20. Resolution approving the sale of THIRTEEN Delinquent Tax Parcels totaling \$72,700.00 from Tax Sale (s) 0203, 0204, 0205, 0206, 0301, 0303 and 0305 pursuant to the provisions of TCA 67-5-2507. Sponsored by Commissioner J. W. Gibson, II.

**GIBSON**

Chairman, Delinquent Tax  
Property Committee

21. Resolution approving the sale of Fifteen Delinquent Tax Parcels totaling \$47,900.00 from Tax Sale(s) 0005, 95.2, 99.01, 0106, 0201, 0205, 0206, 0301, 0304, and 0305 pursuant to the provisions of TCA 67-5-2507. Sponsored by Commissioner J. W. Gibson, II.

**GIBSON**

Chairman, Delinquent Tax  
Property Committee

22. Resolution approving the sale of Fifteen Delinquent Tax Parcels totaling \$53,550.00 from Tax Sale(s) 83.1, 95.2, 0103, 0201, 0202, 0203, 0205, 0206, 0304 and 0305 pursuant to the provisions of TCA 67-5-2507. Sponsored by Commissioner J. W. Gibson, II.

**REGULAR AGENDA**

**Elections, Appointments, and Confirmations**

## Ordinances

**FORD**

Chairman, General Government  
Committee

23. [ORDINANCE- THIRD READING \(AMENDED\)- an Ordinance to amend the Shelby County Code of Ordinances, Chapter 2, Article II, Section 2-57 relative to the purchase, sale, or exchange of materials, supplies, commodities, equipment and real estate from, to or with any federal, state or local governmental entity. Sponsored jointly by Commissioners Joe Ford and Mike Carpenter.](#)

## Zoning and Subdivisions

### Reports and/or Resolutions for Standing Committees

**MALONE**

Chairman, Budget and Finance  
Committee

24. [Resolution approving expenditure of funds in the amount of \\$2,728,452.04 to various vendors for staple groceries for various departments of Shelby County Government. This item requires expenditure of County General Funds in the amount of \\$2,728,452.04. Sponsored by Commissioner Deidre Malone.](#)

**MALONE**

Chairman, Budget and Finance  
Committee

25. [A resolution amending the 2008-2009 Operating Budget to increase the Trustee's budget by \\$201,964 in order to administer the new tax freeze program and this item requires the expenditure of General Fund Reserve Funds in the amount of \\$201,964. Sponsored by Commissioner Deidre Malone. \(DEFERRED TO 9/22/08\)](#)



**AVERY**

Vice-Chairman, Public Works  
Committee

26. A resolution approving an agreement with Spring Creek Ranch, LLC and an expenditure of funds in the amount of \$98,400.00 for the rights to connect the proposed Cotton Creek Area Sewer system to the Spring Creek Ranch Pump Station for transportation of the wastewater to the Town of Collierville publicly owned treatment works and this item requires an expenditure of County CIP Funds in the amount of \$98,400.00. Sponsored by Commissioner Wyatt Bunker. (DEFERRED TO 9/22/08)

**AVERY**

Vice-Chairman, Public Works  
Committee

27. A resolution approving an amendment to the contract with AFRAM Corporation in the amount of \$133,112.20 for the design of a low pressure sewer system in the Cotton Creek Area and this item requires an expenditure of County CIP Funds in the amount of \$133,112.20. Sponsored by Commissioner Wyatt Bunker. (DEFERRED TO 9/22/08)

**AVERY**

Vice-Chairman, Public Works  
Committee

28. A resolution approving an agreement with the Town of Collierville to treat the wastewater from the Cotton Creek Area. Sponsored by Commissioner Wyatt Bunker. (DEFERRED TO 9/22/08)

**BROOKS**

Economic Development and  
Tourism Committee

29. Resolution to approve an agreement to recoup the cost of providing improvements, facilities and services to Bearman Golden Gardens, Inc, a Tennessee not-for-profit corporation, as required by applicable tax exemption statute, Tenn. Code Ann. 67-5-207 et seq. Sponsored by Commissioner Deidre Malone. (DEFERRED TO 9/22/08)

**BROOKS**

Economic Development and  
Tourism Committee

30. Resolution to approve an agreement to recoup the cost of providing improvements, facilities and service to Shield, Inc, a Tennessee not-for-profit corporation, as required by applicable tax exemption statute, Tenn. Code Ann. 67-5-207, et seq. Sponsored by Commissioner Deidre Malone. (DEFERRED TO 9/22/08)

**FORD**

Chairman, General Government  
Committee

31. [Resolution supporting the efforts of the County Mayor in ensuring an adequate review of candidates submitted for appointment to County boards and agencies. Sponsored by Commissioner Henri E. Brooks. \(AMENDED IN COMMITTEE 9/3/08\)](#)

**BROOKS**

Chairman, Core City,  
Neighborhoods, and Housing  
Committee

32. [Resolution to amend the definition of the Design Review Committee in the resolution approved June 16, 2008 amending the policies and procedures of the Shelby County Homestead Program pursuant to Chapter 281 of the Public Acts of 1985 and as authorized by the Shelby County Mayor and the Shelby County Board of Commissioners by resolution on October 7, 1985. Sponsored by Commissioner Mike Carpenter. \(AMENDED IN COMMITTEE 9/3/08\)](#)

**Announcements/Statements**

**Adjournment**

33. Resolution of Adjournment to Monday, September 22, 2008 at 1:30 p.m.